



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** April 13, 2021

**Time:** 6:30 PM

**Location:** City Council Chamber, Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May Not Participate In-Person And May View The Meeting Via LTC.ORG (On-Line; Live Streaming Or Local Cable Channel 99) And Zoom

### 1. ROLL CALL

Roll Call showed 9 present (Remote – C. Conway, C. Samaras).

M. Leahy presiding.

C. Samaras requested moment of silence in darkened chamber for Dr. Gertrude M. Bailey. C. Mercier requested moment of silence in darkened chamber for Mary Valcanas.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99) As They May Not Participate In-Person. Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is [MGEARY@LOWELLMA.GOV](mailto:MGEARY@LOWELLMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting.

For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Elliott, seconded by C. Rourke. So voted.



### **3. CITY CLERK**

#### **3.1. Minutes Of Finance SC March 23rd; City Council Regular Meeting March 23rd; Transportation SC March 30th; Zoning SC Joint With Housing SC March 30th, For Acceptance.**

In City Council, minutes read, **Motion** "To accept and place on file" by C. Samaras, seconded by C. Nuon. So voted.

### **4. GENERAL PUBLIC HEARINGS**

#### **4.1. Order - Abandon Portion Of Canal St.**

In City Council, Given 2<sup>nd</sup> Reading, hearing opened. **Motion** to continue matter to April 27, 2021 at 7 PM by C. Drinkwater, seconded by C. Nuon. So voted.

### **5. COMMUNICATIONS FROM CITY MANAGER**

#### **5.1. Motion Responses.**

In City Council, **Motion** "To accept and place on file" by C. Rourke, seconded by C. Elliott. So voted.

**A) Motion Response - City Hall Incident Report** – Registered speaker, Darcie Boyer, addressed the Council regarding the item. C. Conway commented on the incident and the need to put forth truth as there was much speculation. C. Conway noted that our police force should be respected and pointed to resolution passed by this body regarding public safety officials. C. Mercier questioned Mayor regarding incident and prior actions by his family regarding protests. Supt. Richardson noted that there was an offer to place officers at the door which was not responded to. C. Mercier questioned Supt. Richardson regarding incident. C. Mercier clarified her statement contained in the report and spoke of her experience that day.

C. Mercier requested point of personal privilege and voiced her frustration regarding getting notice of events from the Mayor's office and handling of her portrait by the staff of the Mayor and outside individuals. C. Mercier noted specific events that the Mayor's staff did not invited her to and that other Councilors had been invited. C. Mercier noted her anger in regards to the handling of her portrait by the Mayor's assistant and others not employed by the City. C. Mercier noted the disrespect to her by the Mayor's assistant and that his office was out of control. M. Leahy commented on notice of events and indicated that C. Mercier has not always acted appropriately. C. Elliott commented on the need for better communication and for fairness across the board. C. Conway recommended that there should be a shared community calendar.

**B) Motion Response - Hate Crimes Targeting Asian Americans** – C. Mercier noted the report and the need to develop process in which crimes and racial incidents can be reported to proper authorities so that action may be taken. C. Elliott noted that Item #10.9 could be brought forward and that there is a need to provide a safe avenue for victims of any type if racial incident to report such incidents. C. Chau noted that any type racial incident should be reported not just criminal acts. C. Drinkwater noted report



illustrates that fear of most to report crimes that are happening and that these crimes are happening and there must be recognition on reports regarding different type of incidents. **Motion** by C. Rourke, seconded by C. Nuon to take Item #10.9 out of order. So voted.

**C) Motion Response - New Election System Information** – C. Noun commented on the community outreach regarding new voting system. C. Rourke commented on the work involved to get information out to public. C. Chau noted the effort of Atty. Velaso in Elections Department and questioned if list of registered voters could be broken down per district. Atty. Velaso noted that lists could be broken down into each district. Manager Donoghue noted that candidates would be afforded such lists.

**D) Motion Response - Marijuana Hiring Update** – C. Nuon commented on the breakdown in the report and recognized the positive results concerning Patriot Care. C. Elliott commented on the number of active host agreements in the City and questioned the number of those who are in operation. Manager Donoghue noted that there are ten agreements and that several are still going through State licensing procedures. C. Elliott noted that City has some cultivating centers in operation. Manager Donoghue noted that such centers are operating well and providing employment for citizens.

**E) Motion Response - Attorney General Abandoned Property Pilot** – C. Drinkwater commented on the report and noted the positive results and stated that program should continue and be repeated. Eric Slagle (Inspectional Services) commented that a new program should be explored either with the Attorney General Office or on our own. C. Elliott noted the use of the Attorney General resources was helpful part of the process and there should be attempt to use them again to repeat the success in all parts of the City. Manager Donoghue noted that she would reach out to State for that purpose. C. Mercier noted the successful result of the program.

**F) Motion Response - Safety Along Branch Street Business Corridor** – C. Nuon noted issue has been on Council floor many times and there is a need to develop plans and obtain funding and to implement safety measures in the interim. Manager noted that Camilo Espitia (Chief Planner) just began with the City and introduced him to the Council. Mr. Espitia commented on the approach and possible short term solutions. C. Elliott noted efforts to move towards safer environment while providing short term relief.

## **5.2. Informational Reports**

**G) Informational - Greening the Gateway** – Manager Donoghue noted Yovani Baez-Rose (DPD) was overseeing the program. Ms. Baez-Rose noted the resources available to the City as it is a gateway city. C. Elliott noted the trees are free and can be planted on private property.

**Motion** by C. Chau, seconded by C. Drinkwater to take Item #10.17 out of order. So voted.

**H) Informational - FY2022 Budget Update and School Spending Compliance** – Conor Baldwin (CFO) noted that the City exceeded Net School Spending by over seven



million dollars indicating a commitment to education and that they would be presenting a balanced budget to the Council after much effort to close deficit. C. Samaras lauded the Net School Spending results. C. Elliott noted the closing of deficit during pandemic indicated proper fiscal management. **Motion** by C. Elliott, seconded by C. Drinkwater to refer trash and recycling costs of the report to the Finance SC. So voted. C. Rourke noted that net spending was over and above DPW work on the school facilities.

**I) Informational - FY2020 Audit and Management Representation Letter** – Mr. Baldwin outlined the letter and process in responding to the audit.

**Motion** by C. Rourke, seconded by C. Drinkwater to take Items #10.10 and #10.5 out of order. So voted.

### **5.3. Communication-Appoint Thavy Hout And Stacey L. Thompson To Lowell Telecomm. Board.**

In City Council, **Motion** “To accept and place on file” by C. Elliott, seconded by C. Chau as to appointment of Stacey L. Thompson. So voted. C. Elliott questioned why there was not a Lowell resident appointed to position by Council. Manager Donoghue noted that there was only one application for the position. C. Drinkwater noted involvement of potential appointee in the City. C. Nuon indicated that it should be reposted to see if Lowell resident would be available. Manager Donoghue noted they would repost position.

**Motion** by C. Mercier, seconded by C. Rourke to bundle and waive full reading of Items # 6.1 to #6.8 inclusive. So voted.

## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote On Ballot Question Mayor Election.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

### **6.2. Vote-Accept.Expend 17,846.67 FY21 First Responder Naloxone Grant.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

### **6.3. Vote-Accept.Expend 32,000.00 FY21 Safety Equipment Grant.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

### **6.4. Vote-Accept.Expend 245,185 Vaccine Capacity And Confidence.**



In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

**6.5. Vote-Accept.Expend 59,241 Grant From Commonwealth Amend Emergency Covid 19 Response.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

**6.6. Vote-Apply Accept Expend Fire SAFE Grant.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

**6.7. Vote-License Agreement 370 Jackson St-Lowell Antenna Roof Top 10 Yr Non Cost.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

**6.8. Vote-Special Act Number Of Sign. Of Qualified Voters Required By Candidates Of Local Elective Office.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Mercier, seconded by C. Rourke. Adopted per Roll Call vote 9 yeas. So voted

**7. CONSTABLE BONDS**

**7.1. Communication - City Mgr. Request Approval Of Constable Bonds For Emma Amaro, Ronald Bertheim, John Brouillette, Steven Brouillette, Raymond Lamy, Juan Jerez And Kevin Whippen.**

In City Council, Read, **Motion** to adopt by C. Drinkwater, seconded by C. Chau. Adopted per Roll Call vote 9 yeas. So voted.

**8. REPORTS (SUB/COMMITTEE, IF ANY)**

**8.1. Subcommittee Reports:**

**1) Transportation SC March 30<sup>th</sup>** - In City Council, C. Elliott provided report outlining the attendance and discussion regarding bridge and other construction projects in the City. C. Elliott noted that there has been limited personnel on MassDOT projects and that should be rectified. C. Elliott noted discussion regarding updating of Master Plan of the City and that it should be done but not by an overhaul of the zoning in the City as is being pushed. C. Elliott noted the efforts done regarding affordable housing in the City and that any overhaul of zoning in a City is a multi-year multi-department effort that has already been done by this City. **Motion** by C. Elliott second by C. Conway to adopt procedures to update Master Plan and remove any directive to incorporate changing or overhauling zoning code as part of that update procedure. Adopted per Roll Call vote 8 yeas, 1 nay (C. Drinkwater). So voted. C. Drinkwater commented that they should not



rule any procedure out that would impede updating the Master Plan. C. Elliott commented that zoning should not be used to update Master Plan. C. Drinkwater noted that there was no binding language regarding zoning changes. C. Nuon noted that some zoning changes could be needed to update plan and that Master Plan could still be updated separately. Manager Donoghue noted that zoning overhaul would be years in the making and that would not be part of administration current plans. C. Rourke noted that updating Master Plan can be separate from zoning but some changes may be useful. C. Elliott noted that zoning changes should not dictate Master Plan update. C. Conway noted zoning changes are not part of Master Plan update and goal is to maintain integrity of the neighborhoods and that City has done its fair share regarding availability of affordable housing. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Chau. So voted.

**2) Zoning SC Joint With Housing SC March 30<sup>th</sup>** - In City Council, Motion to take Item #10.14 out of order by C. Elliott, seconded by C. Mercier. So voted. C. Elliott provided report outlining the attendance and discussion regarding response to motions to increase the number of housing units in the City. Manager Donoghue noted that the report provided recommendations only and were not binding on any entity. C. Elliott noted such recommendations were not fairly based and that there may be a need for some units but not on the scale that the report was highlighting through major zoning changes. C. Elliott noted need for many more discussions and to recognize the housing needs of the City. C. Drinkwater noted some recommendations are correct and he could support them noting more units must be established in the City. C. Elliott noted current State law which would mandate some changes in areas of accessory dwelling units. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Chau. So voted.

**3) Arts And Culture SC April 13<sup>th</sup>** - In City Council, C. Nuon provided report outlining the attendance and discussion regarding proposed ordinance covering murals on buildings throughout the City. C. Nuon outlined the procedure and the approach to place murals on buildings noting the need for public input as well as a master lists of buildings which can have such murals and buildings which would not be able to do so. **Motion** to accept the report as a report of progress by C. Nuon, seconded by C. Rourke. So voted.

**4) Economic/Downtown Development SC April 13<sup>th</sup>** - In City Council, C. Elliott provided report outlining the attendance and noted the meeting would be continued until the Law Department could proposed resolution. **Motion** to accept the report as a report of progress by C. Elliott, seconded by C. Drinkwater. So voted.

## **9. PETITIONS**

### **9.1. Claims - (2) Property Damage.**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Drinkwater, seconded by C. Chau. So voted.



**9.2. Misc. - Sonia Vasquez Request Installation Of Handicap Parking Sign At 375 Pawtucket Street.**

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Samaras, seconded by C. Conway. So voted.

**9.3. National Grid - Request Reconstruction Of Gas Pressure Regulator Station And Add A SCADA System At The Intersection Of Highland Street And Thorndike Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on April 27, 2021 at 7PM by C. Rourke, seconded by C. Nuon. So voted.

**10. CITY COUNCIL - MOTIONS**

**10.1. C. Elliott - Req. City Mgr. Provide A Report Regarding Status Of The Roundabout At The Intersection Of Old Ferry Road And Varnum Avenue; As Well As An Update On The Six Month Traffic Analysis And Impact Report On West Meadow Road.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Elliott noted study was in progress and would further address when report is published.

**10.2. C. Elliott - Req. City Council Vote To Make John Chemly And Gary Sepe Honorary Citizens Of Lowell.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Elliott commented on the reasons for the award. Manager Donoghue commented on the process of presenting the award.

**10.3. C. Elliott - Req. City Mgr. Provide A Report Regarding The Status Of Tri-Annual Inspection Of Rental Units/Renewal Certificates Per City Ordinance.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott commented on the report. C. Rourke noted the need for more resources to keep up with demand. C. Elliott noted it was a chronic problem. C. Rourke requested updated reports.

**10.4. C. Elliott - Req. City Mgr./DPD Provide A Report Regarding Re-Establishing The Two/Three Family Owner Occupied Incentive Program Using CDBG Funds. (Two For Lowell)**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Elliott noted motion speaks for itself.

**10.5. C. Elliott/C. Mercier - Req. City Council Set Up Interview Process To Hire City Auditor.**



In City Council, no second needed, referred to HR Dept. So voted. C. Elliott noted proposed process which was to pick top three choices for interview noting there were only six candidates. C. Elliott noted the need to study the reason for such a low return. C. Mercier noted that they could make a choice out of the top three. M. Leahy noted the choice would be pick top three for interview. C. Elliott noted interviews to be done on April 20, 2021.

**10.6. C. Elliott/C. Conway - Req. City Mgr. Provide A Report Regarding The Number Of Complaints/Citations On Illegal Housing Units In The City.**

In City Council, no second needed, referred to City Manager. So voted. C. Conway commented on codes and the need inspect units to ensure safety and more discussion will be needed. C. Elliott requested inspection of 842 Varnum Avenue.

**10.7. C. Conway - Req. Law Department Prepare Special Legislation To Reduce The Number Of Required Voter Signatures For District Candidates From 150 To 50.**

In City Council, seconded by C. Nuon, referred to City Manager/Law Dept. So voted. C. Conway noted the need to identify registered voters per district to assist candidates. C. Rourke noted special act voted on earlier. Manager Donoghue noted prior vote by Council. C. Chau requested review of possible electronic signatures.

**10.8. C. Nuon - Req. City Mgr. Explore Utilizing A Portion Of The City's Sixty (60) Million Dollar Stimulus Money Towards Installing Lights At The Clemente Baseball Field At The Bartlett Middle School.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speakers, Maria Claudio (Cecilia Yapur – interpreter) and Carmen Lara, addressed the body. C. Nuon noted that the issue was costs for the installation. C. Rourke noted the importance to provide space for children in the City. C. Chau noted frequent use of the parks. C. Samaras noted City should provide updated parks. Manager Donoghue commented when such money would be available and that this money will come with many regulations and restrictions.

**10.9. C. Nuon - Req. City Mgr. Work With Appropriate Departments To Discuss Possible Options For Reporting Hate Crimes In The City.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted that hate crimes happen all throughout the United States and there should be avenues to report such to all different agencies. C. Samaras noted that community members victimized need to report and that non-profits and neighborhood groups could assist with such reporting. Manager Donoghue noted the number of proactive steps provided to report and will explore all options to report; further noted that legislation is changing in this areas to broaden scope. Supt. Richardson (LPD) noted goal to reach out to the community and ease the fears of reporting. C. Conway noted need to establish comfort level to speak of negative experiences.



**10.10. C. Nuon - Req. City Mgr. Work With Director Of Parks To Explore The Installation Of Basketball Rims And Nets At City Parks.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Nuon noted motion spoke for itself.

**10.11. C. Nuon - Req. Mayor Leahy Recognize The Month Of April As Victims' Rights Month.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted it demonstrated commitment of the City to this issue.

**10.12. C. Samaras - Req. City Mgr. Have Proper Department Contact State Regarding The Issues At The End Of The Lowell Connector And Gorham Street.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras commented on the need to appeal to State as deaths continue to happen on that road. C. Elliott noted prior design for roundabout in that area. Manager Donoghue commented on MassDOT prior roundabout plans. C. Samaras noted concern and temporary measure should be in place.

**Motion** to Waive Rule 5 to continue discussion beyond 10:00 PM by C. Rourke, seconded by C. Elliott. Defeated by two nay votes of body. So voted.

**10.13. C. Samaras - Req. City Mgr. Have Proper Department Assess The Condition Of The City Parking Kiosks And To Prepare A Plan For Proper Maintenance.**

In City Council, matter referred to Council Meeting on April 27, 2021 per Rule 5 vote.

**10.14. C. Mercier - Req. Report Entitled "Zoning For More Housing In Lowell", As Discussed In The Zoning/Housing SC, Be Referred To The Neighborhoods SC As Well So That The Report Could Be Available To All Neighborhood Group Leaders.**

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Mercier noted the information must be given to neighborhoods. C. Rourke noted information should be forwarded and he would convene meeting of Neighborhoods SC.

**10.15. C. Drinkwater - Req. City Mgr. Provide An Update On The Municipal Vulnerability Preparedness Plan And The Feasibility Of Submitting A Proposal For The Current Round Of Municipal Vulnerability Preparedness Action Grants To Help The City Of Lowell Become More Climate Resilient Through Climate Change Adaptation Projects.**

In City Council, matter referred to Council Meeting on April 27, 2021 per Rule 5 vote.



**10.16. C. Chau - Req. City Mgr. Notify The Lowell Delegation Regarding The Support Of The City Council For SD. 1323 And HD. 1986, Raising The Penalty For Shooting Into A Dwelling From A Misdemeanor To A Felony, And Urging Their Success In Becoming Law.**

In City Council, matter referred to Council Meeting on April 27, 2021 per Rule 5 vote.

**10.17. C. Chau - Req. City Mgr. Join With Lowell Parks And Recreation And Mass. Dept. Of Conservation To Enhance The Green Landscape At Armory Park In The Lower Highlands With Tree Plantings This Summer.**

In City Council, seconded by C. Drinkwater, referred to City Manager. So voted. C. Chau noted a green city was important and that there are several areas that could use more trees.

**Motion** to take Item #10.8 out of order by C. Nuon, seconded by C. Rourke. So voted.

**10.18. C. Chau - Req. City Mgr. Contact MassDOT Regarding Remedial Actions Needed To Enhance The Safety At The End Of The Lowell Connector At Gorham Street.**

In City Council, matter referred to Council Meeting on April 27, 2021 per Rule 5 vote.

**10.19. M. Leahy - Req. City Mgr. Implement A “Keep Lowell Clean Campaign” To Beautify The City.**

In City Council, seconded by C. Chau, referred to City Manager. So voted. Registered speaker, Brad Buitenhoys, addressed the Council. M. Leahy noted prior comments. C. Elliott commented on current campaign for cities. Manager Donoghue commented on the effort of the City. C. Drinkwater commented on area of First Street and the extension of the fence was effective. C. Nuon commented on effort of groups throughout the City.

**10.20. M. Leahy - Req. City Mgr. Send Letter To Hannaford Requesting That They Keep Their Rogers Street Pharmacy Department Open And Operating.**

In City Council, matter referred to Council Meeting on April 27, 2021 per Rule 5 vote.

**11. ANNOUNCEMENTS**

In City Council, none



## 12. ADJOURNMENT

In City Council, Meeting adjourned under Rule 5. So voted.

Meeting adjourned at 10:00 PM.

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Michael Q. Geary, City Clerk